

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-CR-00121-RJC-SCR

USA

v.

MILTON CHAVARRIA (5)

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on Amendment 821 to the United States Sentencing Guidelines relating to status points. (Doc. No. 1362).

Part A of the Amendment is retroactive and amended USSG §4A1.1 to limit the impact of status points on criminal history category. USSG §1B1.10(d), comment. (n.7). Here, the Court determined the defendant had six criminal history points, two of which were status points. (Doc. No. 876: Presentence Report (PSR) ¶¶49-51). The Amendment does not lower his applicable guideline range because he remains in Criminal History Category III with four points. (Doc. No. 1381: PSR Supplement at 2). Accordingly, he is not eligible for relief. USSG §1B1.10(a)(2)(B).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.



Robert J. Conrad, Jr.
United States District Judge

